

HOUSE BILL 3445

By Rinks

AN ACT to amend Tennessee Code Annotated, Title 47,  
Chapter 18, Part 15 and Title 65, Chapter 4, Part  
4, relative to privacy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 65-4-401, is amended by inserting the following language as a new, appropriately numbered subsection:

( ) "Automatic dialing-announcing equipment" or "ADAD equipment" means any device or system of devices which is used, whether alone or in conjunction with other equipment, for the purpose of selecting or dialing telephone numbers and disseminating prerecorded or synthesized voice messages to the telephone numbers so selected or dialed;

SECTION 2. Tennessee Code Annotated, Section 65-4-401(6), is amended by deleting subdivision (A) and by substituting instead the following:

(A) "Telephone solicitation" means, except as otherwise provided in subdivision (B) below, any voice communication over a telephone originating from Tennessee or elsewhere that:

(i) Promotes or encourages, directly or indirectly, the purchase of, rental of, or investment in property, goods, or services;

(ii) Refers a residential subscriber to another person for the purpose of promoting or encouraging the purchase of, rental of, or investment in property, goods, or services;

(iii) Requests a charitable or political contribution or other donation or gift;

or

(iv) Utilizes ADAD equipment to effectuate a voice communication for any commercial, political, charitable or other purpose.

SECTION 3. Tennessee Code Annotated, Section 65-4-401(6)(B), is amended by deleting subdivisions (ii) and (iv), by redesignating current subdivision (iii) as subdivision "(ii)" and by adding the following language as new subdivisions:

(iii) If the communications are made by a local education agency or other educational institution for the purpose of contacting current students, parents or guardians of current students, or officials or employees of the agency or institution; or

(iv) If the communications are made by a law enforcement or other public safety or health agency for the purpose of giving notification of an actual or threatened emergency.

SECTION 4. Tennessee Code Annotated, Title 47, Chapter 18, Part 15, is amended by adding the following language as a new, appropriately designated section:

**Section 47-18-1511.** Neither the provisions of this part nor any other law shall be construed to authorize any person to call, in violation of Section 65-4-404, any residential subscriber listed on the authority's Do Not Call Register.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, then such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect January 1, 2009, the public welfare requiring it.